

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

OLIN CORPORATION,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, ET AL.,

Respondents.

Case No. 25-1014 and the
consolidated cases

**MOTION TO HOLD
BRIEFING SCHEDULE IN ABEYANCE**

Respondents the U.S. Environmental Protection Agency and its Administrator, Lee Zeldin (collectively “EPA”), respectfully request that the Court extend the June 6, 2025, deadline for the parties to submit the Amended Joint Proposed Briefing Schedule (“Briefing Proposal”). Counsel for EPA has informed counsel for Petitioners that EPA would like to seek a further abeyance of this matter and has solicited positions on that request from Petitioners. EPA therefore requests that this Court extend the June 6th, deadline until after EPA’s forthcoming Motion for Abeyance is briefed and adjudicated. Specifically, if abeyance is granted in whole or in part, EPA requests that the Briefing Proposal deadline be extended to 10 days after the expiration of any abeyance. And if EPA’s Abeyance Motion is denied, EPA requests that the Briefing Proposal deadline be extended to

10 days after the Court's Order denying EPA's Abeyance Motion. No Petitioner opposes this requested extension of the Briefing Proposal deadline.

In support of this Motion, EPA states as follows:

1. EPA previously moved to extend the abeyance of these cases for 120 days to allow new agency leadership time to review the challenged rulemaking. ECF No. 5485364.

2. While EPA's Motion was pending, on March 4, 2025, the parties submitted a Joint Proposed Briefing Schedule to the Court. ECF No. 5492349. And when EPA's Motion was granted in part, holding these cases in abeyance until June 2, 2025, the Court ordered the parties to submit an Amended Proposal by June 6, 2025. ECF No. 5502849.

3. On May 30, 2025, counsel for EPA reached out to counsel for Petitioners concerning further abeyance of these cases.

4. EPA intends to promptly submit its Abeyance Motion on or before June 6, 2025.

5. As EPA has determined that it will seek a further abeyance of these cases, it would conserve the resources of the parties to postpone revisiting the briefing proposal until EPA's Abeyance Motion is fully briefed and adjudicated by this Court. An extension of the current deadline would avoid the need for the

parties to resubmit a briefing proposal if EPA's Abeyance Motion is granted in whole or in part.

6. For the reasons above, EPA respectfully requests that the Court extend the Briefing Proposal deadline until either (1) 10 days after the expiration of any abeyance, if EPA's Abeyance Motion is granted, or (2) 10 days after the Court's Order denying further abeyance, if EPA's Abeyance Motion is denied.

Respectfully submitted,

DATED: June 3, 2025

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

Of Counsel:

ELIZABETH THALER
DEREK GILLIAM
Office of the General Counsel
U.S. Environmental Protection
Agency
Washington, D.C.

/s/ Zoe B. Palenik
ZOE B. PALENIK
U.S. Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
(202) 353-5625
zoe.palenik@usdoj.gov

CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 406 words.

This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

DATED: June 3, 2025

/s/ Zoe B. Palenik
ZOE B. PALENIK

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2025, I filed the foregoing Motion to Hold Briefing Schedule in Abeyance with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

DATED: June 3, 2025

/s/ Zoe B. Palenik
ZOE B. PALENIK